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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,736	03/08/2001	Seiichi Matsui	0879-0303P	4772
2292	7590	01/11/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			JELINEK, BRIAN J	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,736

Applicant(s)

MATSUI ET AL.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/8/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/2005, in which claims 7-22 are currently pending, has been entered.

Arguments

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

Applicant's arguments with respect to claims rejected under Lathrop have been considered but are moot in view of the new ground(s) of rejection.

It is argued that "Takemura is completely silent regarding whether the image processing is performed on unprocessed image data." In response, it is clear that Takemura performs image processing on unprocessed image data because image data obtained by the image taking means (Fig. 1, image data) is unprocessed image data until it is subsequently processed according to the finish setting values (col. 8, lines 30-37).

It is further argued that "There is no disclosure in Takemura that the device repeatedly queries for changes to any type of image parameters and process the

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unprocessed image data in accordance with the correspondingly changed image property parameters until the user is satisfied.” In response, Takemura discloses displaying an unprocessed image, processing the unprocessed image according to a setting value, displaying the processed image on the display, enabling the user to determine if the processed image is acceptable, and instructing the end of setting if the processed image is acceptable (col. 8, lines 30-42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura (U.S. Pat. No. 6,657,658) in view of Shinsky et al. (U.S. Pat. No. 6,285,398).

Regarding claim 7, Takemura discloses an electronic camera, comprising: an imaging device which converts an optical image into an analog image signal (Fig. 6, image sensing means 101); an A/D converter which converts the analog image signal outputted from the imaging device into a digital image signal (Fig. 1, CCD digital camera 1); an unprocessed data storing device which stores the digital image signal outputted from the A/D converter as unprocessed image data because an unprocessed data

storing device is inherent when the image data obtained by the image taking means is displayed on the monitor prior to the inputting of finish setting values and the subsequent processing of the image data according to the setting values (Fig. 1, image data; col. 8, lines 22-46); a signal processing device which processes the unprocessed image data read out from the unprocessed data storing device into a processed image data in accordance with an image property parameter (col. 8, lines 32-37); an image property setting device through which an instruction is inputted to change data of the image property parameter (col. 8, lines 32-35); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (col. 8, lines 35-37).

Furthermore, Takemura discloses displaying an unprocessed image, processing the unprocessed image according to a setting value, displaying the processed image on the display, enabling the user to determine if the processed image is acceptable, and instructing the end of setting if the processed image is acceptable (col. 8, lines 30-42).

Takemura does not explicitly disclose the image property setting device and the signal processing device work cooperatively to repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly changed image property parameter until the user is satisfied. However, Official Notice is given that it is old and well known in the art to repeatedly query a user in order to determine if a setting change is

acceptable to a user (Takemura: col. 8, lines 37-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly changed image property parameter until the user is satisfied in order to determine if a setting change is acceptable to a user.

Takemura does not disclose the display displays at least one of histogram, average level, peak level, and bottom level of the result of the image processing, which is processed according to the image property setting designated by a user.

However, Shinsky discloses a graphical user interface displays images captured by a CCD; provides the user with control inputs to adjust the contrast, brightness, and hue of the picture; and allows a user may view a histogram of the image (col. 9, lines 40-50). One of ordinary skill in the art would have allowed a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings (col. 10, lines 54-58). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings.

Regarding claim 14, Takemura does not disclose displaying on a display an image corresponding to the processed image data, the imaging parameters and at least

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one of histogram, average level, peak level, and bottom level of the processed image data.

However, Shinsky discloses a graphical user interface displays images captured by a CCD; provides the user with control inputs to adjust the contrast, brightness, and hue of the picture; and allows a user may view a histogram of the image (col. 9, lines 40-50). One of ordinary skill in the art would have allowed a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings (col. 10, lines 54-58). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed on a display an image corresponding to the processed image data, the imaging parameters and at least one of histogram, average level, peak level, and bottom level of the processed image data to enable a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings.

Regarding claim 19, please see the rejection of claim 14.

Regarding claim 20, please see the rejection of claim 14.

Claims 8-13, 15-18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemura (U.S. Pat. No. 6,657,658).

Regarding claim 8, Takemura discloses an electronic camera, comprising: an imaging device which converts an optical image into an analog image signal (Fig. 6, image sensing means 101); an A/D converter which converts the analog image signal

outputted from the imaging device into a digital image signal (Fig. 1, CCD digital camera 1); a first buffer which stores the digital image signal outputted from the A/D converter as unprocessed image data because a first buffer is inherent when the image data obtained by the image taking means is displayed on the monitor prior to the inputting of finish setting values and the subsequent processing of the image data according to the setting values (Fig. 1, image data; col. 8, lines 22-46); a signal processing device which processes the unprocessed image data read out from the first buffer into a processed image data in accordance with an image property parameter (col. 8, lines 32-37); a second buffer which stores processed image data outputted from the signal processing device because a second buffer is implicit when reproducing processed image data on the monitor (col. 8, lines 35-37); an image property setting device through which an instruction is inputted to change data of the image property parameter (col. 8, lines 32-35); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (Fig. 6, display/confirmation setting means 102).

Furthermore, Takemura discloses displaying an unprocessed image, processing the unprocessed image according to a setting value, displaying the processed image on the display, enabling the user to determine if the processed image is acceptable, and instructing the end of setting if the processed image is acceptable (col. 8, lines 30-42).

Takemura does not explicitly disclose the image property setting device and the signal processing device work cooperatively to repeatedly query whether a user is

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satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly changed image property parameter until the user is satisfied. However, Official Notice is given that it is old and well known in the art to repeatedly query a user in order to determine if a setting change is acceptable to a user (Takemura: col. 8, lines 37-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have repeatedly query whether a user is satisfied with the processed image data, query for changes to the image property parameter in the event that the user is not satisfied, and process the unprocessed image data in accordance with the correspondingly changed image property parameter until the user is satisfied in order to determine if a setting change is acceptable to a user.

Regarding claim 9, Takemura discloses an image processing method, comprising: retrieving unprocessed data from an unprocessed data storage device (Fig. 6, image data); and processing the unprocessed data into processed image data based on imaging parameters (col. 8, lines 32-37).

Furthermore, Takemura discloses displaying an unprocessed image, processing the unprocessed image according to a setting value, displaying the processed image on the display, enabling the user to determine if the processed image is acceptable, and instructing the end of setting if the processed image is acceptable (col. 8, lines 30-42).

Takemura does not explicitly disclose querying whether a user is satisfied with the processed image data; querying for changes to the imaging parameters in the event

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that the user is not satisfied; and processing the unprocessed image data based on changes to the imaging parameters; and repeating the querying and processing steps until the user indicates satisfaction. However, Official Notice is given that it is old and well known in the art to repeatedly query a user in order to determine if a setting change is acceptable to a user (Takemura: col. 8, lines 37-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have performed querying for whether a user is satisfied with the processed image data; querying for changes to the imaging parameters in the event that the user is not satisfied; and processing the unprocessed image data based on changes to the imaging parameters; and repeating the querying and processing steps until the user indicates satisfaction in order to determine if a setting change is acceptable to a user. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have performed querying for whether a user is satisfied with the processed image data; querying for changes to the imaging parameters in the event that the user is not satisfied; and processing the unprocessed image data based on changes to the imaging parameters; and repeating the querying and processing steps until the user indicates satisfaction in order to determine if a setting change is acceptable to a user.

Regarding claim 10, Takemura discloses recording the processed image data into a recording medium (col. 9, lines 1-12).

Regarding claim 11, it is implicit that the unprocessed data is stored. Takemura does not disclose the recording medium also serves as the unprocessed data storage device.

Official Notice is given that it is old and well known in the art to save images to a removable card memory prior to a user performing image editing/processing operations on the images. One of ordinary skill in the art would have stored images to a removable card memory, prior to a user performing image editing/processing operations on the images, in order to prevent the loss of the captured image by a low battery power condition or accident. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a recording medium as the unprocessed data storage device, wherein the unprocessed image data is stored in the removable card memory, prior to a user performing image editing/processing operations on the images, in order to prevent the loss of the captured image by a low battery power condition or accident.

Regarding claim 12, Takemura discloses the recording medium is a removable memory medium (col. 5, lines 35-44).

Regarding claim 13, Takemura discloses the imaging parameters include at least one of white balance, gradation, brightness, tonality, and sharpness (Fig. 3).

Regarding claim 15, Takemura discloses recording the unprocessed data and corresponding imaging parameters into a recording medium (col. 8, lines 43-46).

Regarding claim 16, please see the rejection of claim 10.

Regarding claim 17, please see the rejection of claim 12.

Regarding claim 18, please see the rejection of claim 13.

Regarding claim 21, Takemura discloses a recording device which records, in a recording medium, the unprocessed image data and the data of the image property

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parameter set with the image property setting device, with associating the unprocessed image data and the image property parameter with each other (col. 5, lines 35-44); and a retrieving device which reads out the unprocessed image data (Fig. 6, image data).

Takemura does not disclose a retrieving device reads out the unprocessed image data from the recording medium, and expands the read out data over the first buffer.

However, Official Notice is given that it is old and well known in the art to save images to a camera memory (e.g., removable card memory) prior to a user performing image editing/processing operations on the images, wherein a first buffer is defined as the camera memory. One of ordinary skill in the art would have stored images to a first buffer, wherein the first buffer is a camera memory, such as a removable card memory, prior to a user performing image editing/processing operations on the images in order to prevent the loss of the captured image by a low battery power condition or accident. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a retrieving device that reads out the unprocessed image data from the recording medium, wherein the unprocessed image data has been stored in a first buffer camera memory, such as a removable card memory, prior to a user performing image editing/processing operations on the images in order to prevent the loss of the captured image by a low battery power condition or accident. Furthermore, Takemura teaches the unprocessed image data is expanded over the first buffer because the unprocessed image data is expanded from digital data to a displayed image (col. 8, lines 30-32).

Regarding claim 22, Takemura discloses an electronic camera, comprising: an imaging device which converts an optical image into an analog image signal (Fig. 6, image sensing means 101); an A/D converter which converts the analog image signal outputted from the imaging device into a digital image signal (Fig. 1, CCD digital camera 1); an unprocessed data storing device which stores the digital image signal outputted from the A/D converter as unprocessed image data because an unprocessed data storing device is inherent when the image data obtained by the image taking means is displayed on the monitor prior to the inputting of finish setting values and the subsequent processing of the image data according to the setting values (Fig. 1, image data; col. 8, lines 22-46); a signal processing device which processes the unprocessed image data read out from the unprocessed data storing device into a processed image data in accordance with an image property parameter (col. 8, lines 32-37); an image property setting device through which an instruction is inputted to change data of the image property parameter (col. 8, lines 32-35); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (col. 8, lines 35-37).

Takemura further discloses a recording device which records, in a recording medium, the unprocessed image data and the data of the image property parameter set with the image property setting device, with associating the unprocessed image data and the image property parameter with each other (col. 5, lines 35-44); and a retrieving device which reads out the unprocessed image data (Fig. 6, image data).

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Takemura does not disclose a retrieving device reads out the unprocessed image data from the recording medium, and expands the read out data over the first buffer.

However, Official Notice is given that it is old and well known in the art to save images to a camera memory (e.g., removable card memory) prior to a user performing image editing/processing operations on the images, wherein a first buffer is defined as the camera memory. One of ordinary skill in the art would have stored images to a first buffer, wherein the first buffer is a camera memory, such as a removable card memory, prior to a user performing image editing/processing operations on the images in order to prevent the loss of the captured image by a low battery power condition or accident. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a retrieving device that reads out the unprocessed image data from the recording medium, wherein the unprocessed image data has been stored in a first buffer camera memory, such as a removable card memory, prior to a user performing image editing/processing operations on the images in order to prevent the loss of the captured image by a low battery power condition or accident. Furthermore, Takemura teaches the unprocessed image data is expanded over the first buffer because the unprocessed image data is expanded from digital data to a displayed image (col. 8, lines 30-32).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-

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7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
1/9/2006

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER